

A GUIDE TO PRACTICE AND PROCEDURES - 2001¹

UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT OF TEXAS

Description of Desired Action	Applicable Bankruptcy Code Section	Applicable Fed. R. Bankr. P. Local Rules & Local Regulations¹	Type of Pleading Required²	Applicable Negative Notice (Suspense) Language³	Type of Notice Required⁴
Abandon, Intent of Trustee to	§ 554(a)	BR 6007 LR 6007	Notice	15 - Day	Matrix
Abandon, to Compel Trustee to	§ 554(b)	BR 6007 LR 6007	Motion	15 - Day	LR 9013(f)
Abstention from Particular Proceeding	28 USC § 1334(c)	BR 5011(b)	Motion	20 - Day	LR 9013(f)

¹ This guide reflects the provisions of the Local Rules of Bankruptcy Procedure, as amended, which became effective on February 1, 2001. The Local Rules are now available on the Eastern District Bankruptcy Court's website — www.txeb.uscourts.gov.

² For general guidelines governing motion practice and preparation for hearings on contested matters, you should consult Local Rules of Bankruptcy Procedure 9013 and 9014.

³ In cases assigned to Judge Parker, pleadings requiring 20-day negative notice language should be accompanied by a proposed order substantially conforming with Parker Regulation Form 9007-a. Additionally, pleadings requiring 15-day negative notice language should be accompanied by a proposed order substantially conforming with Parker Regulation Form 4001.

⁴ Loc. R. Bankr. P. 9013(f) requires service, not merely upon certain specified parties in specified chapters, but also upon: (1) any party entitled to such under the Federal Rules of Bankruptcy Procedure and (2) any party who has requested notice.

Description of Desired Action	Bankr. Code Section	Applicable Rules & Regs	Pleading Required	Neg. Notice Language	Required Notice
Accounting by Custodian	§ 543	BR 6002	Motion	20 - Day	LR 9013(f)
Administrative Expense, Allowance of	§ 503	None	Motion	20 - Day	LR 9013(f)
Adversary Complaint	Various	BR 7001 LR 7003	Complaint	None	BR 7004
Adversary Proceedings: Motion Practice in	None	LR 7007	Motion	20 - Day w/ exceptions	to Adv. Parties
Adversary Proceedings: Obtaining Default Judgments	None	BR 7055 LR 7055	Motion	None	None
Adversary Proceedings: Obtaining Injunctive Relief / Temporary Restraining Order	None	BR 7065 LR 7065	Application	None	to Adv. Parties
Adversary Proceedings: Pretrial Procedures in	-----	BR 7016 LR 7016	-----	-----	-----
Adversary Proceedings: Removal of Case to Bankruptcy Court	28 USC § 1452(a)	BR 9027 LR 9027	Notice	None	All parties in removed case
Adversary Proceedings: Remand of Removed Case	28 USC § 1452(b)	BR 9027 LR 9027	Motion	20 - Day	All parties in removed case
Adequate Protection	§ 361	BR 4001 LR 4001	Motion	15 - Day	LR 9013(f)
Admission <i>Pro Hac Vice</i>	None	LR 1001(d)	Application	None	to US Trustee

Description of Desired Action	Bankr. Code Section	Applicable Rules & Regs	Pleading Required	Neg. Notice Language	Required Notice
Agreed Orders, Submission of ⁵	None	LR 9022 Parker Reg 9022	Cover Sheet	None	LR 9022(b)
Alter or Amend Judgment (a/k/a motion for reconsideration/ new trial/vacate order)	None	BR 9023	Motion	20 - Day	LR 9013(f)
Automatic Stay, Relief from	§ 362(d)	BR 4001 LR 4001(b)	Motion	15 - Day	LR 9013(f)
Automatic Stay, Damages for Willful Violation of	§ 362(h)	None	Motion	20 - Day	LR 9013(f)
Avoidance of Lien	§ 522(f)	BR 4003(d) LR 4003(c)	Motion	20 - Day	LR 9013(f)
Cash Collateral, for Authority to Use	§ 363(c)	BR 4001 LR 4001(c)(1)	Motion	15 - Day	LR 9013(f)
Cash Collateral, Request for Emergency Hearing (for Authority to Use)	§ 363(c)	BR 4001 LR 4001(c)(2) LR 9007(c)	Motion	None	LR 9013(f)
Cash Collateral, to Prohibit Use	§ 363(c)	BR 4001 LR 4001	Motion	15 - Day	LR 9013(f)

⁵ In cases assigned to Judge Parker, the submission of an agreed order (or the submission of any other proposed order not accompanying a motion) should be accompanied by a cover sheet substantially conforming with Parker Regulation Form 9022.

Description of Desired Action	Bankr. Code Section	Applicable Rules & Regs	Pleading Required	Neg. Notice Language	Required Notice
Claim, Objection to ⁶	§ 502	BR 3007 LR 3007 Sharp Reg 3007 Parker Reg 3007	Objection	Sharp: None Parker: 20- day optional.	LR 9013(f) Parker Reg 3007
Claim, Withdrawal of (required only if objection pending)	None	BR 3006	Motion	20 - Day	LR 9013(f)
Chapter 7: Approval of Trustee's Final Report	§ 704(9)	BR 5009	Report	30 - Day	Matrix per BR 2002(a)(8) but only if exceeds \$1500
Chapter 7: Authority to Operate Business (by trustee)	§ 721	None	Motion	20 - Day	Matrix
Chapter 7: Conversion of Case to Ch. 11 (by trustee or creditor)	§ 706(b)	BR 1017 LR 1017	Motion	20 - Day	Matrix per BR 2002(a)(4)
Chapter 7: Conversion of Case to Any Other Chapter (by debtor)	§ 706(a)	BR 1017 LR 1017(c)	Motion	None	LR 9013(f)
Chapter 7: Dismissal of Case (for failure to file schedules)	§ 707(a)(3)	BR 1017 LR 1007(a)	Motion	20 - Day	LR 9013(f)
Chapter 7: Dismissal of Case (by debtor, trustee or creditor)	§ 707(a)	BR 1017 LR 1017(b)	Motion	20 - Day	Matrix per BR 2002(a)(4)

⁶ In cases assigned to Judge Parker, any objection to claim should be accompanied by a proposed order substantially conforming with Parker Regulation Form 3007.

Description of Desired Action	Bankr. Code Section	Applicable Rules & Regs	Pleading Required	Neg. Notice Language	Required Notice
Chapter 7: Dismissal of Case for Substantial Abuse by US Trustee	§ 707b	BR 1017	Motion	20 - Day	LR 9013(f)
Chapter 11: Committee, Appoint or Request for Additional	§ 1102	None	Motion	20 - Day	LR 9013(f)
Chapter 11: Committee, Change Composition of	§ 1102	None	Motion	20 - Day	LR 9013(f)
Chapter 11: Conversion of Case (by trustee or creditor)	§ 1112(b)	BR 1017 LR 1017	Motion	20 - Day	Matrix per BR 2002(a)(4)
Chapter 11: Conversion of Case to Ch. 7 (by debtor)	§ 1112(a)	BR 1017 LR 1017	Motion	None	LR 9013(f)
Chapter 11: Conversion of Case to Ch. 12 or 13 (by debtor)	§ 1112(d)	BR 1017 LR 1017	Motion	20 - Day	Matrix per BR 2002(a)(4)
Chapter 11: Dismissal of Case (for failure to file schedules)	§ 1112(e)	BR 1017 LR 1007(a)	Motion	20 - Day	Matrix per BR 1017(a)
Chapter 11: Dismissal of Case (by debtor, trustee or creditor)	§ 1112(b)	BR 1017 LR 1017(b)	Motion	20 - Day	Matrix per BR 2002(a)(4)
Chapter 11: Examiner, Appointment of	§ 1104	BR 2007.1	Motion	20 - Day	LR 9013(f)
Chapter 11: Entry of Final Decree	§ 350	BR 3022 LR 2015(e)	Application	20- Day	Matrix

Description of Desired Action	Bankr. Code Section	Applicable Rules & Regs	Pleading Required	Neg. Notice Language	Required Notice
Chapter 11: Hearing to Consider Approval of Disclosure Statement	§ 1125	BR 3017 LR 3017	Notice from Court	None	Matrix per BR 2002(b)(1)
Chapter 11: Hearing on Confirmation of Chapter 11 Plan	§ 1121	BR 3018 LR 3018	Notice from Court	None	Matrix per BR 2002(b)(2)
Chapter 11: Post-Confirmation Modification of Plan	§ 1127	BR 3019	Motion	20 - Day	Matrix per BR 2002(a)(5)
Chapter 11: Post-Confirmation Report	None	LR 2015(e)	Report	None	LR 9013(f)
Chapter 11: Trustee, Appointment of	§ 1104	BR 2007.1	Motion	20 - Day	LR 9013(f)
Chapter 11: Trustee, Approval of Undisputed Appointment	§ 1104	BR 2007.1 (3)(A)	Motion	None	LR 9013(f)
Chapter 11: Trustee, to Resolve Disputed Election	§ 1104	BR 2007.1 (b)(3)(B)	Motion	20 - Day	LR 9013(f)
Chapter 11: Trustee, Termination of	§ 1105	None	Motion	20 - Day	LR 9013(f)
Chapter 12: Approval of Trustee's Final Report	§ 1202(b)	BR 5009	Report	30 - Day	Matrix
Chapter 12: Co-Debtor Stay Relief	§1201(c) - (d)	None	Motion	20 - Day	LR 9013(f)
Chapter 12: Conversion of Case (by trustee or creditor)	§ 1208(d)	BR 1017 LR 1017	Motion	20 - Day	Matrix per BR 2002(a)(4)

Description of Desired Action	Bankr. Code Section	Applicable Rules & Regs	Pleading Required	Neg. Notice Language	Required Notice
Chapter 12: Conversion of Case to Ch. 7 (by debtor)	§ 1208(a)	BR 1017 LR 1017(c)	Notice of Conversion	None	Matrix per LR 1017(c)
Chapter 12: Conversion of Case to Ch. 11 or 13 (by debtor)	§ 1208	BR 1017 LR 1017	Motion	20 - Day	Matrix per BR 2002(a)(4)
Chapter 12: Dismissal of Case (for failure to file schedules)	§ 1208	BR 1017 LR 1007(a)	Motion	20 - Day	Matrix per BR 1017(a)
Chapter 12: Dismissal of Case (by trustee or creditor)	§ 1208(c)	BR 1017 LR 1017(b)	Motion	20 - Day	Matrix per BR 2002(a)(4)
Chapter 12: Dismissal of Case (by debtor)	§ 1208(b)	BR 1017 LR 1017(b)	Motion	None	Ch 12 Trustee & US Trustee
Chapter 12: Hearing on Confirmation of Chapter 12 Plan	§ 1221	BR 2002(a)(8) LR 3015(a)	Notice from Court	None	Matrix per BR 2002(a)(8)
Chapter 12: Plan & Plan Summary	§ 1221	BR 3015 LR 3015(a)	Plan	None	Matrix per LR 3015(a)
Chapter 12: Post-Confirmation Modification of Plan	§ 1229	BR 3015(g) LR 3015(d)	Motion	30 - Day	Matrix per BR 2002(a)(5)
Chapter 12: Post-Confirmation Request for Hardship Discharge	§ 1228(b)	None	Motion	20 - Day	Matrix
Chapter 13: Approval of Trustee's Final Report	§ 1302(b)	BR 5009	Report	30 - Day	Matrix

Description of Desired Action	Bankr. Code Section	Applicable Rules & Regs	Pleading Required	Neg. Notice Language	Required Notice
Chapter 13: Debtor's Attorney's Fees in ...	§330(a)(4)(B)	LR 2016(e)	Application (if required)	20 - Day (if required)	Matrix, (if required)
Chapter 13: Co-Debtor Stay Relief	§1301(c) - (d)	None	Motion	20 - Day	LR 9013(f)
Chapter 13: Conversion of Case (by trustee or creditor)	§ 1307(c)	BR 1017 LR 1017	Motion	20 - Day	LR 9013(f)
Chapter 13: Conversion of Case to Ch. 7 (by debtor)	§ 1307(a)	BR 1017 LR 1017	Notice of Conversion	None	Matrix per LR 1017(c)
Chapter 13: Conversion of Case to Ch. 11 or 12 (by debtor)	§ 1307(d)	BR 1017 LR 1017	Motion	20 - Day	LR 9013(f)
Chapter 13: Dismissal of Case (By trustee for failure to file schedules)	§ 1307(c)(9)	BR 1017 LR 1007(a)	Motion	Automatic Setting	LR 9013(f)
Chapter 13: Dismissal of Case (by creditor)	§ 1307(c)	BR 1017 LR 1017	Motion	20 - Day	LR 9013(f)
Chapter 13: Dismissal of Case (by debtor)	§ 1307(b)	BR 1017 LR 1017(b)	Motion	None	Ch 13 Trustee & US Trustee
Chapter 13: Plan & Plan Summary	§ 1321	BR 3015 LR 3015(a)	Plan	None	Matrix per LR 3015(a)
Chapter 13: Post-Confirmation Modification of Plan	§ 1329	BR 3015(g) LR 3015(d)	Motion	30 - Day	Matrix per BR 2002(a)(5)

Description of Desired Action	Bankr. Code Section	Applicable Rules & Regs	Pleading Required	Neg. Notice Language	Required Notice
Chapter 13: Post-Confirmation Request for Hardship Discharge	§ 1328(b)	BR 4007(d) LR 4007(b)	Motion	20 - Day	Matrix
Compel Action or Enforce Order	Various	None	Motion	20 - Day	LR 9013(f)
Compensation of Professionals	§ 330 § 331	BR 2016 LR 2016	Application	20 - Day	Matrix ⁷ per BR 2002(a)(6)
Compromise or Settlement Agreement, Approval of	None	BR 9019 LR 9019	Motion	20 - Day	Matrix per BR 2002(a)(3)
Consolidation, Substantive	§ 302(b)	BR 1015(a) LR 1015	Motion	20 - Day	LR 9013(f)
Contempt, Civil	None	BR 9020	Motion	20- Day	LR 9013(f)
Continuance of Hearing	None	None	Motion	None	LR 9013(f)
Core Proceeding, Determine Existence of	28 USC § 157(b)(3)	None	Motion	20 - Day	LR 9013(f)
Credit, to Obtain (a/k/a motion to incur debt outside of the ordinary course of business)	§ 364	BR 4001 LR 4001	Motion	15 - Day	LR 9013(f)
Creditor Representation Disclosure, Determine Compliance with....	None	BR 2019	Motion	20 - Day	LR 9013(f)

⁷ In lieu of sending the complete fee application with exhibits to all parties on the matrix, a summary of the fee application containing (1) the relevant facts regarding the application, (2) the 20-day negative notice language and (3) a notification that a complete copy of the application will be sent upon request at no charge, may be sent to the matrix, subject to the requirements of Local Rule 2016(c).

Description of Desired Action	Bankr. Code Section	Applicable Rules & Regs	Pleading Required	Neg. Notice Language	Required Notice
Deposit Funds in Court Registry (a/k/a for Disposition of Funds)	None	None	Motion	None	LR 9013(f)
Disposition of Books & Records, Intent of Trustee Regarding	None	LR 2015(d)	Notice	20 - Day	LR 2015(d)
Emergency Hearing, Request for (Need hearing in 5 days or less) ⁸	None	LR 9007(c)	Motion w/ affidavit	None	LR 9013(f)
Employment of Professional Person ⁹	§ 327	BR 2014 LR 2014 Parker Reg 2014	Application	10 - Day	To U.S. Trustee only
Employment of Professional Person <i>Nunc Pro Tunc</i>	§ 327	BR 2014 LR 2014(d)	Motion	20 - Day	LR 9013(f)
Examine Debtor's Transactions with Debtor's Attorney	§ 329	BR 2017	Motion	20 - Day	LR 9013(f)
Executory Contract: Assumption of ... or Rejection of	§ 365	BR 6006	Motion	20 - Day	LR 9013(f)
Executory Contract: Establish Deadline to Assume or Reject	§ 365(d)	BR 6006	Motion	20 - Day	LR 9013(f)

⁸ In cases assigned to Judge Parker, any request for an emergency hearing should be accompanied by a proposed order substantially conforming with Parker Regulation Form 9007-c.

⁹ In cases assigned to Judge Parker, any application to employ a professional person should be accompanied by a proposed order substantially conforming with Parker Regulation Form 2014.

Description of Desired Action	Bankr. Code Section	Applicable Rules & Regs	Pleading Required	Neg. Notice Language	Required Notice
Executory Contract: Extension of Deadline to Assume or Reject	§ 365(d)	None	Motion	20 - Day	LR 9013(f)
Exemptions, Objection to	§ 522	BR 4003 LR 4003(b)	Objection	20 - Day	LB 9013(f)
Expedited Hearing, Request for ¹⁰ (Need hearing quicker than normal but not less than five days.)	None	LR 9007(d)	Motion	None	LR 9013(f)
Extension of Time ¹¹ : Claims Bar Date in Chapters 7-12-13 (limited grounds)	§ 501	BR 3002(c)	Motion	None	LR 9013(f)
Extension of Time: Claims Bar Date in Chapter 11 Case	§ 501	BR 3003(c)(3)	Motion	None	LR 9013(f)
Extension of Time: Chapter 11 Plan Exclusivity Periods	§ 1121(d)	None	Motion	20 - Day	LR 9013(f)
Extension of Time: For Filing Chapter 12 Plan	§ 1221	BR 3015(a)	Motion	20 - Day	LR 9013(f)
Extension of Time: Filing Schedules & Statements & Chapter 13 Plan	§ 521	BR 1007(c) LR 1007(e)	Motion	None	LR 9013(f)

¹⁰ In cases assigned to Judge Parker, any request for an expedited hearing should be accompanied by a proposed order substantially conforming with Parker Regulation Form 9007-d.

¹¹ In cases assigned to Chief Judge Sharp, all requests for extension of time, regardless of type, are immediately forwarded to chambers for consideration and Judge Sharp reserves the right to require a suspense period under appropriate circumstances.

Description of Desired Action	Bankr. Code Section	Applicable Rules & Regs	Pleading Required	Neg. Notice Language	Required Notice
Extension of Time: Deadline to File Complaints to Determine Dischargeability of Debt (by trustee or creditor)	§ 523(c)	BR 4007(c) LR 4007(a)	Motion	20 - Day	LR 9013(f)
Extension of Time: Deadline to File Complaints to Determine Dischargeability of Debt (by debtor)	§ 523(c)	BR 4007(c) LR 4007(a)	Motion	None	LR 9013(f)
Extension of Time: Deadline to File Objections to Discharge (by trustee or creditor)	§ 727	BR 4004 LR 4004	Motion	20 - Day	LR 9013(f)
Extension of Time: Deadline to File Objections to Discharge (by debtor)	§ 727	BR 4004 LR 4004	Motion	None	LR 9013(f)
Filing Fee: Request by Individual Debtor for Permission to Pay in Installments	None	BR 1006(b)	Application	None	None
Financing Agreement, Approval of	§ 364	BR 4001 LR 4001	Motion	15 - Day	LR 9013(f)
Incur Secured Debt (see “Credit, to Obtain”)	-----	-----	-----	-----	-----
Joint Administration of Cases		BR 1015(b) LR 1015	Motion	20 - Day	LR 9013(f)
New Trial (see “alter/amend judgment”)	-----	-----	-----	-----	-----
Notice to Parties, to Limit or Restrict....	None	BR 9007 LR 9007	Motion	None	LR 9013(f)

Description of Desired Action	Bankr. Code Section	Applicable Rules & Regs	Pleading Required	Neg. Notice Language	Required Notice
Pay Pre-Petition Claims or Pay Taxes (whether pre-petition or post-petition)	§ 105	None	Motion	20 - Day	LR 9013(f)
Property of the Estate: Authority to Use, Sell, or Lease	§ 363(b)	BR 6004 LR 6004	Motion or Notice	20 - Day	Matrix
Property of the Estate: Prohibit or Condition Use, Sale or Lease of....	§ 363(e)	BR 4001 LR 4001	Motion	15 - Day	LR 9013(f)
Property of the Estate: Sell Free & Clear of Liens	§ 363(f)	BR 6004 LR 6004	Motion	20 - Day	Matrix
Reconsideration of Order (see “alter or amend judgment”)	-----	-----	-----	-----	-----
Redemption of Property from Lien or Sale	§ 722	BR 6008 LR 6008	Motion	20 - Day	LR 6008(b)
Relief from Judgment or Order (when beyond 10-day filing period for m/amend or alter judgment)	None	BR 9024	Motion	20 - Day	LR 9013(f)
Removal of Trustee or Examiner	§ 324	BR 2012	Motion	20 - Day	LR 9013(f)
Reopen Case	§ 350	BR 5010 LR 5010	Motion	None	LR 9013(f)
Rule 2004 Examination: Motion for	None	BR 2004 LR 2004	Motion	None	LR 9013(f)

Rule 2004 Exam: for Protective Order Against	None	LR 2004(b)	Motion	None	LR 9013(f)
Description of Desired Action	Bankr. Code Section	Applicable Rules & Regs	Pleading Required	Neg. Notice Language	Required Notice
Rule 2004 Exam: Motion to Quash	None	LR 2004(b)	Motion	None	LR 9013(f)
Sanctions (Contested Matter)	Various	Various	Motion	20 - Day	LR 9013(f)
Schedules & Statements, Original	§ 521	BR 1007 LR 1007	Schedule	-----	-----
Schedules & Statements, Amended	§ 521	BR 1009 LR 1009	Schedule	-----	LR 1009
Severance of Case	None	None	Motion	None	LR 9013(f)
Shorten Notice Period	-----	BR 9006 LR 9007	Application	None	LR 9013(f)
Stay Pending Appeal	None	BR 8005	Motion	20 - Day	LR 9013(f)
Stipulation, to Approve Rule 4001	Various	BR 4001(d)	Motion	15 - Day	Matrix
Substitution of Attorney	None	None	Motion	20 - Day	LR 9013(f)
Suspension or Dismissal of Case	§ 305	BR 1017(c)	Motion	20 - Day	Matrix per BR 1017(c)
Tax Liability (Determination of)	§ 505	None	Motion	20 - Day	LR 9013(f)
Utility Service Deposit, Determine Adequacy of...	§ 366	None	Motion	20 - Day	LR 9013(f)

Description of Desired Action	Bankr. Code Section	Applicable Rules & Regs	Pleading Required	Neg. Notice Language	Required Notice
Vacate Order (see “alter/amend judgment”)	-----	-----	-----	-----	-----
Valuation of Property or Secured Status, Determination of	§ 506	BR 3012	Motion	20 - Day	LR 9013(f)
Venue, Change of	28 USC § 1412	BR 1014	Motion	20 - Day	LR 9013(f)
Waive Debtor’s Appearance at § 341 Meeting	None	None	Motion	None	LR 9013(f)
Withdrawal of Attorney	-----	-----	Motion	20 - Day	LR 9013(f)
Withdrawal of Pleading	-----	-----	Notice	None	LR 9013(f)

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